

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JENNELL BLACK, *et al.*,

*

Plaintiffs,

*

v.

*

No. 1:20-cv-03644-CCB

RUSSELL ALEXANDER, *et al.*,

*

Defendants.

*

* * * * *

JOINT STATUS REPORT

Plaintiffs, Jennell Black, individually and as personal representative of the estate of Anton Black, Antone Black, individually and as personal representative of the estate of Anton Black, Katyra Boyce, as mother and next friend of W.B. (collectively, the “Family Plaintiffs”), and the Coalition for Justice for Anton Black (the “Coalition”), and defendants, the state of Maryland, Dr. John D. Stash, in his official capacity as the interim chief medical examiner, and Dr. Russell Alexander in his official capacity (collectively, the “State Defendants”), and Dr. Russell Alexander, in his individual capacity, and Dr. David Fowler, in his individual capacity (collectively, the “Individual Defendants”), submit this joint status report as requested by the Court. ECF No. 145.

PROCEDURAL HISTORY

This action arises from the death of Anton Black and the alleged events that followed. Plaintiffs filed a 14-count Amended Complaint on February 18, 2021. ECF No. 38. The Amended Complaint asserted causes of action against the State and Individual

Defendants, as well as the so-called “Municipal Defendants.”¹ The Court denied the State and Individual Defendants’ motions to dismiss without prejudice on January 26, 2022, and allowed certain discovery to proceed. ECF Nos. 89 & 90. Discovery proceeded until the Court ordered a discovery stay on June 14, 2022. ECF No. 144. Plaintiffs and the Municipal Defendants settled all claims and filed a stipulation of dismissal on August 5, 2022. ECF No. 146.

Pursuant to the Court’s September 26, 2022 Order (ECF No. 150), the parties served further discovery responses on or about October 7, 2022,² and the State and Individual Defendants filed supplemental motions to dismiss on October 25, 2022. ECF Nos. 154 & 155. In response, on October 28, 2022, Plaintiffs filed a motion to strike (based on the Individual Defendants’ then-pending interlocutory appeal),³ ECF No. 156, and a motion for leave under Rule 15(a)(2) to file a proposed Second Amended Complaint on November 15, 2022. ECF No. 164. All motions remain pending, although the Coalition avers that accepting the Second Amended Complaint would moot the other motions.

Through subsequent orders (ECF Nos. 168, 174 & 178), the Court has extended the discovery stay through June 30, 2023.

¹ Thomas Webster, IV, Michael Petyo, Gary Manos, Dennis Lannon, Jeanette L. Cleveland, and the towns of Greensboro, Ridgley, and Centreville, Maryland.

² Plaintiffs emailed a motion to compel to attorneys for the State Defendants on November 7, 2022, citing alleged deficiencies in the State Defendants’ discovery responses. Pursuant to Local Rule 104.8(a) and the discovery stay, Plaintiffs have not yet filed this motion with the Court. Defendants have not yet served an opposition to this motion.

³ The interlocutory appeal has been dismissed.

The Family Plaintiffs have settled their claims with the State and Individual Defendants.

The proposed Second Amended Complaint would assert five causes of action against the State and Individual Defendants:

- Count 1, “Violation of the Fourteenth Amendment Equal Protection Guarantee and Art. 24 Decl. Rts.” asserted against Dr. Alexander in his individual and official capacities, Dr. Stash in his official capacity, and Dr. Fowler in his individual capacity based on race discrimination in OCME’s death investigations;
- Count 2, “Violation of First and Fourteenth Amendments and Arts. 19, 24 and 40, Md. Decl. Rts., Right to Access the Courts and Legal Redress,” asserted against Dr. Alexander in his individual and official capacities, Dr. Stash in his official capacity, and Dr. Fowler in his individual capacity;
- Count 3, “ADA TITLE II (Survival Action),” asserted against the State only;
- Count 4, “Section 504 of the Rehabilitation Act - Survival Action,” asserted against the State only; and
- Count 5, “Civil Conspiracy, Md. Decl. Rights, Articles 19, 24 and 40,” asserted against the State and Individual Defendants.

STATUS OF THE CASE

The Court requested a status report by July 14, 2022. ECF No. 181. The parties have conferred and propose the following.

STATUS CONFERENCE

The parties request that the Court hold a telephone conference at the Court’s convenience to discuss deadlines for oppositions and replies to the various motions discussed in this report, the various issues raised in this status report, and any other matter that the Court wishes to address.

AMENDED PLEADINGS

In light of the settlement between defendants and the Family Plaintiffs, the Coalition proposes filing a corrected version of the Second Proposed Amended Complaint to remove references to the Family Plaintiffs as litigants in the action and to make any further updates warranted by changes in the law or facts. The State and Individual Defendants oppose this because any amendment would be futile.

PROPOSED SCHEDULING ORDER

<u>Event</u>	<u>Deadline</u>
Plaintiffs File Corrected Second Amended Complaint ⁴	21 days after Scheduling Order Issued
Plaintiffs' Updated and Supplemental Rule 26(a)(2) Disclosures ⁵	October 26, 2023
Defendants' Rule 26(a)(2) Disclosures	December 7, 2023
Plaintiffs' Rebuttal Rule 26(a)(2) Disclosures	January 12, 2024
Rule 26(e)(2) Supplementation of Disclosures and Responses	February 12, 2024
Discovery Deadline; Submission of Status Report	February 26, 2024
Request for Admissions	March 15, 2024
Dispositive Pretrial Motions	March 29, 2024
Oppositions to Dispositive Motions	April 29, 2024

⁴ The State and Individual Defendants oppose this deadline request.

⁵ The State and Individual Defendants oppose this deadline request.

Replies to Oppositions to Dispositive
Motions

May 13, 2024

/s/ Leslie Hershfield (with permission)

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